



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

November 20, 2002

Michael O. Leavitt
Governor

Kathleen Clarke
Executive Director

Robert L. Morgan
State Engineer

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Ralph Washburn
West Point Irrigation Co.
188 N 100 W #29
Mt Pleasant, UT 84647

Dear Washburn :

On June 11, 2002, a field inspection of your diversions was made by my staff and the River Commissioner, Larry Rawlings. The information gathered during the inspection and recommendation for improvements at each of your diversion locations is as follows:

WEST POINT CANAL DIVERSION

This diversion has an 8.4-ft rated section with a staff gage that is used for measuring the flows. At low flows the measuring section does not work properly and the commissioner can only make an estimate of the flow. The canal in this area is very flat. A lot of sediment was observed in the bottom of the canal near the staff gage.

Recommendation: An accurate measuring device should be installed to measure the flows at this diversion.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

"Every person using water in this state shall construct or install and maintain a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. Such controlling works or measuring device shall be of such design as the state engineer may approve and so that the same can be locked and kept set by him or his assistants... If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such headgates, caps, valves, flumes or measuring devices after thirty days notice to do so by the state engineer, the state engineer may forbid the use of water until the user thereof shall comply with this requirement, or the state engineer may proceed to construct or install or cause to be installed such controlling works or measuring devices, and the cost of the same shall be a lien against the lands and water rights served thereby, and the state engineer is

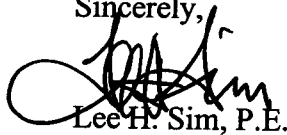
authorized to bring such action in the name of the state to foreclose such lien."

Therefore, you are hereby notified that each of your diversions must be equipped with a functional and accurate measuring device. **These improvements must be completed prior to April 15, 2003.**

Your diversions will be inspected for compliance. If it is not in compliance, it will be tagged by the river commissioner. An order to cease the use of water will be issued and the diversion will be closed and locked. In situations where the diversion cannot be closed, the State Engineer will seek a court order requiring the use of water be ceased until such time as the control structure and measuring device are installed and working properly.

Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice, please contact Kirk Forbush, Regional Engineer, at (435) 896-4429 or Gertrudys Adkins at (801) 538-7384.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee H. Sim", is written over the typed name.

Lee H. Sim, P.E.

Assistant State Engineer for Distribution

cc: Kirk Forbush, Regional Engineer
Frank Eliason, Distribution System Chairman
Larry Rawlings, Water Commissioner